1 2	DEVIN DERHAM-BURK #104353 CHAPTER 13 STANDING TRUSTEE P O Box 50013 San Jose, CA 95150-0013	
3 4	Telephone: (408) 354-4413 Facsimile: (408) 354-5513	
5	Trustee for Debtor(s)	
6		
7 8	UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5	
9	TORTHER BISTRE	TOT CLEM ORGER BIVIDIONS
10	In re:	)
11	Younger, Clarence	) Chapter 13 ) Case No. 11-51280 ASW
12		) TRUSTEE'S OBJECTION TO CONFIRMATION WITH CERTIFICATE OF SERVICE
13	Younger, Sandra	) ) 341 Meeting Date: March 28, 2011
14   15		<ul> <li>Pre-Hearing Conference Date: June 20, 2011</li> <li>Pre-Hearing Conference Time: 1:45 PM</li> <li>Place: 280 S. 1<sup>st</sup> Street Room 3020</li> </ul>
16		) San Jose, CA ) Judge: Arthur S. Weissbrodt
17	Debtor(s)	) _
18		
19	Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 5% Plan for	
20	the following reasons:	
21	1. Pursuant to Section 18 of the Statement of Financial Affairs, it appears the debtor is	
22	doing business as "Business Frameworks." However, the debtor has omitted said DBA	
23	from the Voluntary Petition Page.	The Trustee requests the Petition Page be amended
24	and noticed to all creditors.	
25	2. The debtors have not complied with 11 U.S.C § 521(e)(2)(A)(i) and (B) as the debtors	
26	have not provided the Trustee with	a copy of their most recently filed tax return.
27	//	
28	//	

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3. The Plan is in violation of 11 U.S.C. § 1325 (a)(4) in that creditors would receive more under Chapter 7 liquidation. There is excess equity in the debtors' personal property in the amount of \$1,272.50, while general unsecured creditors will receive nothing under the proposed 0% plan. In order to ensure the Plan complies with 11 U.S.C. §1325(a), the following must be added to Section 7: "Notwithstanding Section 2(d), general unsecured creditors shall receive no less than \$1,272.50."

Dated: March 25, 2011

/S/ Devin Derham-Burk

Chapter 13 Trustee

## **CERTIFICATE OF SERVICE BY MAIL**

I declare that I am over the age of 18 years, not a party to the within cause; my business address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on March 25, 2011.

Said envelopes were addressed as follows:

Clarance & Sandra Younger 5797 Capilano Drive San Jose, CA, 95138 Sagaria Law 333 West San Carlos Street Suite 1700 San Jose, CA, 95110

/S/ Esmeralda Mejia

Office of Devin Derham-Burk, Trustee